

1895-07
Lee Co.

Chancery Causes: Mary B. Tullock vs. David Tullock

Legg, Collensworth

CA-Divorce

T-Vices

Migration

To the honorable H. S. R. Monsie
Judge of the Lee county Circuit Court.

Respectfully complaining, sheweth unto
your honor your oratrix Mary B.
Tullack, ^{a citizen, &c.} that in the year 1888 while
she was an infant under the age of
twenty one years to wit; the age of fifteen
she was married to one David Tullack
^{in Lee Co., Va.} and they lived together as man and
wife about four years and six months
^{in Lee Co., Va.} during which time your oratrix was a
true and faithful wife and happiness
as well as pleasure seemed to exist in
their home. No issue was born to them
as the result of their union. In the
fall of 1892 it was rumored that your
oratrix's said husband as she then believed
him to be, had a living wife in another
state. Suspicion grew stronger as letters came
to different individuals inquiring about the
said David. finally a woman purporting to
be his wife wrote inquiring of him and he
then acknowledged that he was her legal
husband. and fearing that he would be
prosecuted for the offense left your oratrix
and this state. other letters were written
to other persons of a like import. Since his
departure your oratrix has not heard

* your oratrix further alleges that since her marriage with her said husband that he has visited, associated and cohabited with lewd women; that he is guilty of the crime of adultery; that the same does come within her said husband without her procurement or consent, and that since his adultery as to cause to her knowledge she has not cohabited with him and that the said adultery acts have complained of a cohabitation with him within the year previous to the institution of this suit.

from him. Your oratrix therefore charges that her marriage with the said David is void, that he at the time of their said marriage had a living wife from whom he was not divorced. The object therefore of this suit is to have this honorable court by virtue of Secs 2252 and 2255 of the Code 1887 to declare the said marriage void.*

The premises considered the prayer of your oratrix is that the said ~~David~~ Daniel Lullack be made a party defendant hereto and required to answer this bill on oath and that upon a hearing your honor will pronounce said marriage a nullity and void and she prays for all such other further and general ~~affidavit~~ relief as may be ainted to the merits of her case. May the Com. wit of Spc issue on Jackson & Blankenship Sol. for Compt.

} { In chy } In chy { In chy ##/00 ## 1000⁰⁰/₁₀₀ #

(J. & B.)
Mary B. Tullock
as. { In Ch'g.
David Tullock

Bill for Divorce

1893, 1st Sept Rules Bill
filed order Pub & Cont
" 2d Sept Rules Contol
" 1st Octo. " order Pub
Completed & Cause set
for hearing by Plff

1894 March term Contol
" June " "
" Nov " "
" Nov 1890 to 1900
1895 March " "
" June " "
" Nov Term Decree

final Chy order Bk
Page 259.

Plffs Costs

C \$7.32
Printer 5.00
\$12.32

Mary B. Tullock, Plaintiff.

Against(In Chancery.

David Tullock, Defendant.

This cause, in which the Plaintiff appears to have proceeded against the Defendant, who is a non-resident, in the mode prescribed by law against absent defendants, and he still having failed to appear and answer, came on this day to be heard on the bill of the Plaintiff and the depositions of witnesses, and was argued by counsel for the Plaintiff: On consideration whereof, the Court being of opinion that the allegations of said bill ^{are} ~~being~~ fully proven, it is adjudged, ordered and decreed that that the marriage heretofore contracted and solemnized between the Plaintiff and the Defendant, be and the same ^{is} ~~are~~ hereby dissolved, and ~~that the said Mary B. Tullock~~; and that the Plaintiff, Mary B. Tullock be forever divorced from the said David Tullock. And this cause is stricken from the docket.

Mary B. Tullock
vs. } Decree final.
David Tullock

Q.B.P. 259

Enter this Decree

M. J. M.

Nov. 9, 1895.

(1)
Mary B Tullock {
vs { in chancery
David Tullock }

The Depositions of Malinda L
Legg, J. K. P. Legg Grant Legg &
Rebecca Collinsworth

taken on the 31 day of October 1893
at the residence of J. K. P. Legg at
Crab Orchard Post office in
Lee County Virginia which are to be
read as evidence on behalf of the plain-
tiff in the Chancery Cause of Mary
B Tullock a Janst David Tullock
now pending in the Circuit Court of
Lee County Virginia

Malinda L. Legg a witness of
lawful age being by me duly
sworn deposed and says:

Ques. State your name age & place
of residence?

Ans. My name is Malinda L. Legg age
44 years residence Crab Orchard
Virginia.

Ques Are or were you acquainted with
Mary B. Tullock, nee Hanory & David Tullock

& if so how long how you know them?

Ans. 2. I am acquainted with Each of the parties
I have known Mary B Tullock for fifteen
years I knew David Tullock and was
acquainted with him for a bout three
years up till the time he left this
Country some six or eight months a
go.

Ques. Do you know the fact that they
lived together as man & wife?

Ans. I do and know that he left her some
twelve months ago.

Ques. Do you know whether or not David
Tullock had a wife at the time he
married Mary B. Flanary, now Mary B.
Tullock, If so, state any fact you
may know in regard to this matter,
how you derived your information
& all about it?

Ans. I am assistant Post Master at Crab
Orchard Virginia and all that I know
about his former marriage is that a letter
came from Tennessee thro the United
States Mail addressed to the Post Master
at Crab Orchard signed by Margaret
Tullock, in which said letter she author-
thorized claimed to be the wife of the said
David Tullock, and in which said
letter she minutely described the David
Tullock that I knew

No. B

he being the same man how lived with Mary B. Lullock as her husband she also stated in said letter that he David Lullock left her and the children some time ago, and she had not heard from him since, this letter is lost.

and father this deponent saith not
Malinda T. Legg

James K. P. Legg another witness of lawful age being duly sworn deposes as follows

Ques. State your name, age, occupation & place of residence?

Ans. My name is J. K. P. Legg age 48. years occupation a merchant & farmer residence Crab Orchard Lee County Virginia

Ques. State any facts you may know in regard to David Lullock having a wife at the time he married Mary B. Flanary, how you obtained your information, from whom & all about it?

Ans. I am Post Master at Crab Orchard Lee County Virginia a letter came thru the mail addressed to me from Newmanville Green County Tennessee signed by Margaret Lullock

No 4

in which she made enquiry a bout a man
named David Lullock describing perlixe
the David Lullock that I knew and
the man whoe Married Mary B. Flanry
said Margaret Lullock stated in said
letter that he had left her and the chil-
dren. I received two letter from her that
I recd and also received two other letters
from that place that I did not open
nor read. but gave and sent them to
David Lullock after these letters came
Lullock came to me. and said that he
was married but had left his wife
he also stated ~~that~~ or intimated that
she was a woman of bad charater and
he intimated to me that he thought where
a man had a woman of that kind that
he ought to leave her and git a nother
one and farther this deponent saith
not

Geo R. P. Legg.

no. 5

Mary B Tullock }
vs } in chancery
David Tullock }

Grant Legg another witness of law age
deposed and saith:

Ques. State your name, age, occupation
& place of residence?

Ans. My name is Grant Legg, a farmer
by occupation age 23 years and
reside at Lerab Orchard Lee County
Virginia

Ques. State whether or not you are
acquainted with David B.
Tullock & Mary B. Tullock?

Ans. I am

Ques. State any fact you may know
in regard to David Tullock being
married at the time he married
Mary B. Flanory?

Ans. he told me during the time he lived
with Mary B Tullock as his wife that
he ~~was~~ had a nother wife
and farther he deposes and saith not

Grant Legg

no, 4

Rebecca Collensworth another witness
of lawful age Deposition and oath

Ques. State your name age &
place of residence?

Ans. my name is Rebecca Collensworth age
38 years residence Crab Orchard
Lee County Virginia

Ques. Do you know David Yullock
& Mary Yullock, & know
whether or not they once lived
together as man & wife?

Ans. I do,

Ques. During the time they lived
together do you know of David
Yullock committing the
Crime of Adultery?

Ans. I do know that during the time
they lived together as man and wife
that David Yullock committed
the Crime of a dultary several times
I know this my own knowledge

Ques Do know whether or not
David Yullock had a living
wife at the time he married
Mary B. Flanory?

no. 7

Ans. he told me he did have a nother
wife at the time of his marriage
with Mary B Flawry
and father this deponent saith not
Rebecca + Collinsworth
marks

Virginia

Lee County to wit -
I H M Parsons a Justice of the Peace
in and for said County do here by
Certify that the foregoing deposition
of Malinda L. Legg, J. R. F. Legg
Grant Legg & Rebecca Collinsworth
was duly taken sworn to and
subscribed before me at the time
and place mentioned in the Caption
of the same given under my
this the 31 day of October 1893
H. M. Parsons, J. P.

Mary B. Tullock
as Depo

David Tullock

Received through
the mail in good
condition from
J. P. before whom
taken & filed
2-1893. A. B. Mansiey

In the Clerk's Office of the Circuit Court of the County of
Lee on the *14th* day of *August* 189*3*.

against

Mary B. Tullock,

Plaintiff

David Tullock,

Defendant

The object of this suit is to *obtain a decree for a divorce*
a Vinculo Matrimonii Dissolving the bonds
of Matrimony existing between the Plaintiff
and Defendant

And an affidavit having been made and filed that the defendant *David Tullock*

is
not a resident of the State of Virginia, it is ordered that *he* do appear here, within *15 days*
after due publication hereof, and do what may be necessary to protect *his* interest in this suit. And
it is further ordered that a copy hereof be published once a week for four weeks in the *Lee County*
Republican and that a copy be posted at the front door of the court-house of this *County*
on the first day of the next term of the *County* Court.

A copy—Teste:

Jackson & Blankenship p. q.

A. B. Munsey

Clerk.

Mary B. Tullock

vs.

}

ORDER OF
PUBLICATION.

David Tullock

I certify that
I delivered to
the Lec Co. Republi-
can an office
copy of this order
for file and
pasted a like
copy thereof on
front door of
Lec County Court
house on the 1st
day of Sept County
Court.

A B. Murray C

In the Clerk's Office of the _____ Court of the _____ of _____

Mary B. Lulloch Plaintiff
against _____

David Lulloch Defendant

This day *Geo. W. Blankenship* personally appeared
before me, *A. B. Munsey* Clerk of the said Court,

and being duly sworn, made oath that *to the best of his knowledge*
belief and information, *David Lulloch* the
defendant in the said suit *is* not a resident of the State of Virginia,

Given under my hand as Clerk of the said Court, this *14th* day of *August*

18 *93*

A B Munsey, clerk

Mary B. Tullock

vs.

{ AFFIDAVIT FOR ORDER
OF
PUBLICATION.

David Tullock

Filed Aug 14th 1893

Jackson Blankenship p. q.

In the clerk's office of the circuit court
of the county of Lee on the 14th day of
August, 1893.

Mary B. Tullock, Plff.

vs.

David Tullock, Dett.

} Divorce.

The object of this suit is to obtain a
decree for a divorce *a vinculo matrimonii*
dissolving the bonds of matrimony exist-
ing between the plaintiff and defendant.
And an affidavit having been made and
filed that the defendant David Tullock
is not a resident of the State of Virginia,
it is ordered the he do appear here, with-
in fifteen days after due publication here-
of, and do what may be necessary to pro-
tect his interest in this suit. And it is
further ordered that a copy hereof be
published once a week for four weeks in
the Lee County Republican and that a
copy be posted at the front door of the
courthouse of this county on the first day
of the next term of the county court.

A copy—Teste:

A. B. MUNCY, Clerk.

Jackson & Blankenship, p. q. au 1944

Printer's fee
\$5.00

VIRGINIA, Lee County, To wit: I

Geo. C. Coleman, editor and publisher

of the LEE COUNTY REPUBLICAN, a news-
paper, printed in the town of Jonesville.

in the county of Lee, Virginia, do here-

by certify that the foregoing order of
publication was duly published in said

paper for four successive weeks, from

and after the 19th day of Aug.....

189... } Ending on the 16th day of Sept.

..... 189... }

Geo. C. Coleman,

Editor and Publisher.

Mary B. Tuller
no 3 Printer
Certificate
Sound Duller

Prose

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